

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
No.: 3:99CR109**

**UNITED STATES OF AMERICA,**  
**Plaintiff**

**v.**

**FRANCISCO CURBELO,**  
**Defendant.**

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**ORDER**

**THIS MATTER IS BEFORE THE COURT** with respect to a “Motion to Withdraw for Objection to Court Appoints [sic] Defense Attorney” (Document No. 243), filed January 14, 2005 by Francisco Curbelo, “Motion for Preliminary Rehearing” (Document No. 244), filed January 19, 2005 by Mr. Curbelo, “Motion for Transcripts at the Government’s Expense” (Document No. 245) filed April 12, 2005 by Mr. Curbelo, “Motion for Indigent Petition of Transcripts” (Document No. 246) filed April 15, 2005 by Mr. Curbelo, “Motion to Evidentiary Hearing and Reconsideration of Pro Se Defendant Motion On the Claim of Ineffective Assistance of Counsel” (Document No. 248), filed May 9, 2005 by Mr. Curbelo, and upon receipt of a letter from Mr. Curbelo, dated May 18, 2005, regarding “hearing for release bail pending sentence” (the “Letter”).<sup>1</sup>

The record reflects that Mr. Curbelo is represented by appointed counsel, Aaron E. Michel. It is the practice of this Court, when a defendant is represented by counsel, to rule on motions filed

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<sup>1</sup>The letter received was handwritten in Spanish and was not translated by this Court. To the extent the letter expresses concerns regarding the ineffectiveness of counsel, those concerns will be considered at the inquiry to counsel hearing described herein. The letter is attached as an exhibit to this order so that the record fully reflects all matters before the Court.

only by counsel of record. Therefore, if Mr. Curbelo has any matters he wishes this Court to consider, they must be submitted through his attorney. The Court does take seriously Mr. Curbelo's representations that he is not satisfied with the services of his attorney. Therefore, contemporaneously with the entry of this Order, the Court will schedule an inquiry to counsel hearing.

**IT IS, THEREFORE, ORDERED** that Mr. Curbelo's "Motion to Withdraw for Objection to Court Appoints [sic] Defense Attorney" (Document No. 243), "Motion for Preliminary Rehearing" (Document No. 244), "Motion for Transcripts at the Government's Expense" (Document No. 245), "Motion for Indigent Petition of Transcripts" (Document No. 246), and "Motion to Evidentiary Hearing and Reconsideration of Pro Se Defendant Motion On the Claim of Ineffective Assistance of Counsel" (Document No. 248) are all **DENIED** without prejudice to Mr. Curbelo who is instructed to re-file any motions, if appropriate, through his attorney, Mr. Michel, pending a hearing into the status of counsel.

**IT IS SO ORDERED** this the 26<sup>th</sup> day of May, 2005.

  
\_\_\_\_\_  
DAVID C. KEESLER  
UNITED STATES MAGISTRATE JUDGE

ATTN: Hon. Graham C. Mullen  
Chief U.S. District Judge

05-18-2005

RECEIVED

MAY 18 2005

U.S. District Court  
Charlotte, NC

David C. Keesler

Magistrate Judge

U.S. District Court

Room 210, CHARLES R. JONAS Bldg.

401 WEST TRADE STREET

CHARLOTTE, NC 28202

Re: hearing for release bail Pending sentence

Dear Hon. Keesler

Mi nombre es FRANCISCO CURBELO caso no. 3:99CR109-01-MU  
la razón por la que me estoy dirigiendo a usted de la  
manera mas respetuosa es para solicitarle una audiencia  
para petición de libertad condicional (release bail bond)  
pendiente la sentencia, estoy rogándole a su buen  
corazón y padre de familia.

El defendido Curbelo tiene un hijo de 14 años que se  
encuentra internado en un Hospital psiquiátrico por  
intento de suicidarse, está sufriendo de paranoia con  
delirio de persecución e idea de suicidarse, lo cual lo ha  
llevado a arrancarse todos el pelo de la cabeza, eja,  
pestaña y bello de la pierna. Mi hijo Wellington Peralta  
se encuentra hospitalizado en "Four Winds Hospital" en  
Katonah, New York, le estoy suplicando una libertad  
temporal para estar al lado de mi hijo por el cual  
temo muchos por su vida, a mi hijo Wellington le a  
hacido muchos mi encarcelamiento y falso testimonio

Mec



de su madre Wendi E. Peralta, El defendido Curbelo no a  
disfrutado de ningun beneficio del PreTrial desde mi arresto  
en Junio 30, 1999 la corte no impuso ninguna fianza. Yo es  
sido discriminado con relacion Para obtener una libertad  
bajo fianza. Todos mis co-defendant y Testigo del Gobierno  
fueron beneficiado con libertad bajo fianza por haver firmado  
las Acusaciones de culpabilidad, El defendido Curbelo a  
sido discriminado en cuanto a la libertad bajo fianza por  
sus derecho de llevar su caso a un Juicio con Jurado Para  
Tratar de Provar su inocencia, los Testigos del Gobierno  
y co-defendants Tienen records criminales y algunos eran  
ilegales y fueron libertado. "selectivo" bail bond.  
Honorable Magistrate Judge Keesler le estoy suplicando  
por el amor de Dios que se me permita mi libertad bajo  
fianza Para poder estar con mis hijos bajo la Promesa  
que voy a Regresar cuando sea requerido por la corte o  
que la corte me imponga sus condiciones, yo solo quiero  
evitar que mi hijo cometa una Tragedia y se suicide

dandole las gracias de antemano en este asunto.  
see: Junto a esta carta le envio copia de la custodia y dos (2) fotos copie  
Actualmente ya no tiene pelo

Sincerely



FRANCISCO CURBELO #242376  
MECKLENBURG COUNTY JAIL  
P.O. Box 34429  
CHARLOTTE, NC. 28234







GF18 12/97  
(Order-Custody-Visitation)

At a term of the Family Court of the State  
of New York, held in and for the County of  
Bronx, at 900 Sheridan Ave., Bronx, NY  
10451, on March 01, 2000

P R E S E N T:           MARICEL GONZALEZ-ROMAN  
                            Court Attorney Referee

In the Matter of a Proceeding for  
Custody and/or Visitation under  
Article 6 of the Family Court Act

Docket No.  
V-19829-30/99

ANA PERALTA

Petitioner,  
-against-

WENDY PERALTA  
ANGEL HERRERA

Respondents,

ORDER  
DIRECTING  
CUSTODY

NOTICE: PURSUANT TO SECTION 1113 OF THE FAMILY COURT ACT, AN  
APPEAL FROM THIS ORDER MUST BE TAKEN WITHIN 30 DAYS OF RECEIPT OF  
THE ORDER BY APPELLANT IN COURT, 35 DAYS FROM THE DATE OF MAILING  
OF THE ORDER TO APPELLANT BY THE CLERK OF COURT, OR 30 DAYS AFTER  
SERVICE BY A PARTY OR THE LAW GUARDIAN UPON THE APPELLANT,  
WHICHEVER IS EARLIEST.

The Petitioner(s) herein having filed a petition on  
December 02, 1999 pursuant to Article 6 of the Family Court Act,  
requesting an order awarding custody of the minor children,  
WELLINGTON PERALTA born August 23, 1990; and ANGELA PERALTA born  
July 2, 1999, and

WENDY PERALTA having appeared before this Court to  
answer the petition, having been advised by the Court of the  
right to counsel, and to show why an order of custody should not  
be granted; and WENDY PERALTA having admitted the allegations of  
the petition; and

The matter having duly come on to be heard before this  
Court;

19829-30/99  
ORDER DIRECTING  
CUSTODY

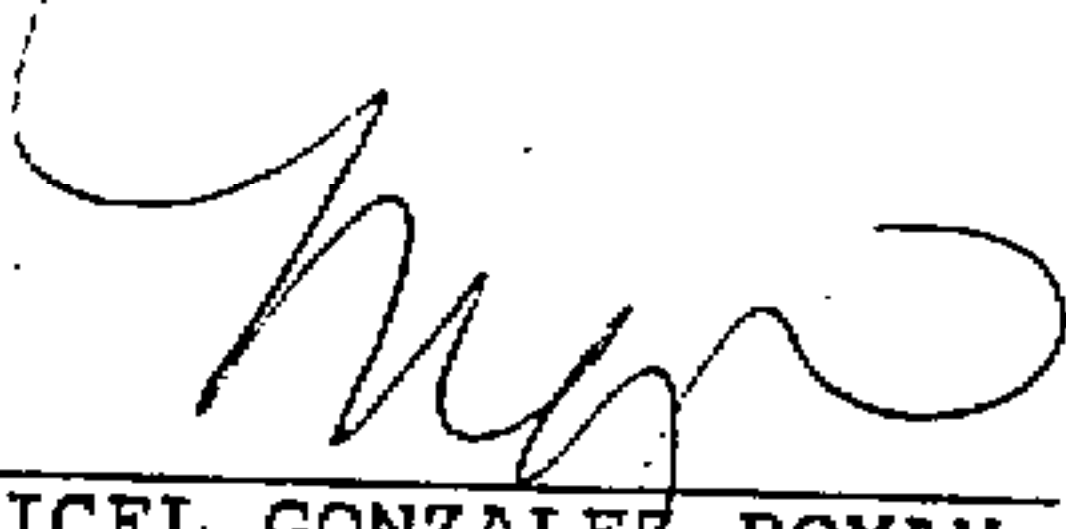
NOW, after examination and inquiry into the facts and circumstances of the case and after hearing the proofs and testimony offered in relation thereto; it is hereby

Adjudged that it would be in the best interest of the children, WELLINGTON PERALTA born August 23, 1990; and ANGELA PERALTA born July 2, 1999, to have custody awarded to ANA PERALTA; and it is therefore

ORDERED, that ON PARTIES CONSENT AND THAT OF THE LAW GUARDIAN, FINAL ORDER OF CUSTODY TO PETITIONER.

Dated: March 01, 2000

ENTER

  
MARICEL GONZALEZ-ROMAN  
Court Attorney Referee

CHECK APPLICABLE LINE:

☐ Order mailed on (specify date(s) and to whom mailed): \_\_\_\_\_

☐ Order received in court on (specify date(s) and to whom given): \_\_\_\_\_